

### **REMARKS**

Claims 1 and 16 have been amended. Claim 1 as currently amended is identical to claim 1 as originally filed. The Preliminary Amendment that was filed on March 29, 2006 contains an obvious error on page 3, line 18 (“first recording layer” was inadvertently changed to “second recording layer” in the last paragraph of the claim). Claim 1 was characterized correctly on page 3, lines 4-8, of the Petition to Make Special that was filed together with the Preliminary Amendment. Support for the changes made herein to claim 16 appears in the original disclosure, including Fig. 3. Claims 1-30, 33, 34, 37, 38, 41 and 42 remain in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 1-30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Reconsideration is respectfully requested. The obvious error in claim 1 has been corrected; that is, claim 1 has been returned to its original, as-filed form. Independent claim 16 is directed to a recording apparatus, such as, for example, the one shown in Fig. 3. The changes made to claims 1 and 16 should overcome all of the concerns raised in the Office Action. The pending claims, as amended, are believed to be in full compliance with § 112.

Claim 1-10, 13 and 15 are rejected under 35 U.S.C. § 102 as being anticipated by Sasaki. Reconsideration is respectfully requested. Claim 1 recites the step of “formatting [a] data area of [a] second recording layer in a series of recording increments,” and the claim says that, “within each . . . increment the formatting is performed along a path extending from the outer side of the data area . . . to the inner side of the data area.” Sasaki fails to disclose or suggest this important aspect of the claimed invention.

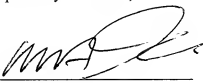
The Office Action, page 16, responds that Sasaki’s Fig. 3C has the same logical structure and compatibility of Fig. 2C (specification, section 0013). Sasaki, however, does not have a Fig. 3C, nor does it contain a section 0013. Thus, the Office Action is not understood. Claims 1-10, 13

and 15 are believed to be allowable over the prior art for at least the reasons given in the previous response.

The allowance of claims 11, 12, 14, 16-30, 33, 34, 37, 38, 41 and 42 is gratefully acknowledged. Allowance of the application, as amended, is solicited.

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Respectfully submitted,

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